

REMARKS/ARGUMENTS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 18-27, 37, 38, 40, 41, 43, 44, 46, 47, 49 and 50 are pending in the present Application. Unelected Claims 9-17, 28-36, 39, 42, 45, 48 and 51-62 have been canceled without prejudice or disclaimer. Claims 6, 24, 38, 41, 44, 47 are amended by the present amendment. No new matter is added.

By way of summary, the Official Action presents the following issues: The specification and Claims 6-8 stand rejected due to cited informalities; Claims 6-8 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. Claims 1-5, 18-23, 37, 40, 43, 46, and 49 were allowed. Claims 24-27, 38, 41, 44, 47 and 50, and all claims depending therefrom, were indicated as allowable if corrected in a manner similar to that required for Claim 6.¹

Applicants appreciatively acknowledge the identification of allowable subject matter.

REJECTION TO SPECIFICATION

The Official Action has objected to the specification due to an informality, namely, on the final line of page 85, equation (1) should read: " $t=0.05\lambda - 15$ ". Applicants have herein corrected the cited informality, and respectfully request the objection to the specification be withdrawn.

REJECTION TO CLAIMS FOR INFORMALITIES

The Official Action has objected to Claims 6-8 due to an informality, namely, Claim 6 includes the phrase "substantially uniform as a compositional uniform as a compositional gradation layer thickness increase" (emphasis added); the Official Action notes it believes the

¹ Official Action, page 3, line 17 – page 4, line 2.

underlined phrase to have been added by mistake, and also objects to Claims 7-8 as depending from Claim 6 and thereby also including said informality. Applicants have deleted the phrase "compositional uniform as a" from Claim 6, and respectfully request the Examiner withdrawn the objection to Claims 6-8. Claims 24, 38, 41, 44 and 47 are similarly amended and rejoined in view of the Official Action's notice that Claims 24, 38, 41, 44 and 47 would be allowed if so amended.

REJECTION UNDER 35 U.S.C. § 112

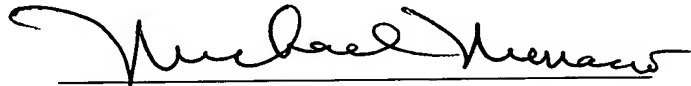
The Official Action has rejected Claims 6-8 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, notably citing the equation on page 85 of the specification as being in error. Applicants have corrected said equation pursuant to the Examiner's suggestion, and respectfully request the rejection to Claims 6-8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-8, 18-27, 37, 38, 40, 41, 43, 44, 46, 47, 49 and 50, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Michael E. Monaco
Registration No. 52,041

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

GJM:MEMO:ycs
I:\ATTY\MM\AMENDMENT\0557\220103.AM.DUE 18APR05.DOC